

Entered on Docket

April 19, 2010

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



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34 EMI APRIL MUSIC INC.,  
35 EMI BLACKWOOD MUSIC,  
36 EMI FEIST CATALOG INC.,  
37 EMI FULL KEEL MUSIC,  
38 EMI GOLDEN TORCH MUSIC CORP.,  
39 EMI GOLD HORIZON MUSIC CORP.,  
40 EMI GROVE PARK MUSIC, INC.,  
41 EMI LONGITUDE MUSIC,  
42 EMI MILLER CATALOG INC.,  
43 EMI ROBBINS CATALOG INC.,  
44 EMI U CATALOG, INC.,  
45 EMI VIRGIN MUSIC, INC.,  
46 EMI VIRGIN SONGS, INC.,  
47 EMI WATERFORD MUSIC, INC.,  
48 JOBETE MUSIC CO. INC.,

The following constitutes  
the order of the court. Signed April 19, 2010



Roger L. Efremsky  
U.S. Bankruptcy Judge

1 SCREEN GEMS-EMI MUSIC INC. AND  
2 STONE DIAMOND MUSIC

3  
4 UNITED STATES BANKRUPTCY COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
6 SAN JOSE DIVISION

7 In re

8 SEEQPOD, INC.,  
9 Debtor.

Case No. 09-52226-RLE-7

Chapter 11

Honorable Roger L. Efremsky

10  
11 **ORDER COMPELLING  
EXAMINATION UNDER  
BANKRUPTCY RULE 2004**

12 Date: March 24, 2010  
13 Time: 11:30 a.m.  
14 Ctrm: 3099  
280 South First Street  
San Jose, CA 95113

16  
17 Upon consideration of the Motion to Compel Examination Under Bankruptcy Rule 2004  
18 (the "Motion") filed by the above-referenced WMG and EMI creditors, which was heard on  
19 March 24, 2010 and continued to April 14, 2010; and the Court having reviewed the Motion and  
20 the supporting memorandum of points and authorities and Declaration of Blanca Young and the  
21 exhibits thereto, the arguments of counsel at the hearings on the Motion, and the record in this  
22 case and the related adversary proceeding; the Court finds that notice of the Motion was  
23 appropriate under the particular circumstances, that WMG and EMI attempted to confer in good  
24 faith to obtain the compliance of Mr. Franks with this Court's prior order authorizing his  
25 examination under Fed. R. Bankr. P. 2004 (the "2004 Order"), that Franks has not objected to the  
26 2004 Order or the subpoena issued for his examination (the "Subpoena"), and that WMG and  
27 EMI are entitled to examine Franks pursuant to the Subpoena and 2004 Order; and after due  
28 deliberation and sufficient cause appearing therefor, it is hereby ORDERED:

1. The Motion is granted.

2       2.     Kasian Franks is hereby compelled to produce the documents requested in the  
3     2004 Order and the Subpoena on or before 5:00 p.m. (prevailing Pacific Time) on May 21, 2010  
4     at the offices of Munger, Tolles & Olson, LLP, 560 Mission Street, 27th Floor, San Francisco,  
5     CA 94105-2907.

6           3.     Kasian Franks is hereby compelled to comply with the 2004 Order and Subpoena  
7 by submitting to a deposition to commence no later than 9:00 a.m. on June 7, 2010 at the offices  
8 of Munger, Tolles & Olson, LLP, 560 Mission Street, 27th Floor, San Francisco, CA 94105-  
9 2907. The deposition shall continue from day to day until completed, subject to further court  
10 order to stop the deposition before completion based upon a showing of good cause.

11           4. The Movants and Mr. Franks are entitled to meet and confer to set deadlines for  
12 production and deposition to occur earlier than the dates set forth in paragraphs 2 and 3 but  
13 production shall be completed and the deposition shall commence no later than the dates set forth  
14 in those two paragraphs.

15        5.      Failure to comply with this Order may result in sanctions as set forth in Fed. R.  
16      Civ. P. 37, including treating the failure to obey this Order as contempt of Court.

17       6. This Court shall retain jurisdiction over any and all matters arising from or related  
18 to the interpretation and/or implementation of this Order.

\*\*END OF ORDER\*\*

## COURT SERVICE LIST

Examinee

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Debtor

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*Chapter 7 Trustee*

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9  
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